

The IAG form is taken from Section II of the NPFC's [NRD Funding Guidelines](#).

SECTION II

INITIATE FUNDING GUIDANCE



National Pollution Funds Center
Natural Resource Damage Claims Division
4200 Wilson Blvd., Suite 1000
Arlington, VA 22203-1804
(202)493-6860

**Natural Resource Damage
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INITIATE FUNDING TERMS AND CONDITIONS

Section 1. OVERVIEW

- A. Background. Section 6002 (b) of the Oil Pollution Act of 1990 (OPA90) provides that the OSLTF Emergency Fund is available “to Initiate the assessment of natural resource damages” (Initiate/Initiation). For the purpose of this agreement, Initiate activities have been defined as those Preassessment activities as outlined in 15 CFR 990, Subpart D.
1. Executive Order 12777 limits funding for Initiation to the Federal Trustees, who are as follows:
 - a. Department of the Interior;
 - b. Department of Commerce;
 - c. Department of Agriculture;
 - d. Department of Defense; and
 - e. Department of Energy.
 2. Executive Order 12777 introduced the Federal Lead Administrative Trustee (FLAT) concept to provide a focal point for addressing natural resource issues associated with a specific incident. The NPFC will only accept requests for Initiation from, and normally works directly with, the FLAT. State and Tribal Trustees must work through a FLAT. Those State and Tribal Trustees acting in the event of a spill may join with the designated Federal Trustees to name a FLAT.
- B. Case Questions. NRD Claims Managers are available to address specific questions that may not be covered in these procedures.

Section 2. CRITERIA FOR INITIATION

- A. Threshold. Initiation of a natural resource damage assessment (NRDA) must be in response to an OPA incident, i.e., a discharge or substantial threat of a discharge of oil into or upon the navigable waters or the adjoining shorelines or the exclusive economic zone of the United States.
- B. Emergency Restoration. Emergency restoration of natural resources is not NRD Initiation. Trustees should bring potential oil impact situations to the FOSC’s immediate attention, so a determination may be made as to whether such action is an appropriate removal activity or needs to be submitted as an emergency restoration claim. Refer to Section III B of this document for guidance on filing an emergency restoration claim.



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Section 3. PROCEDURES FOR ACCESSING THE OSLTF TO INITIATE NRDA'S

A. Funding Requests.

1. The Trustees are encouraged, however are not required, to first seek Initiate Funding from the responsible parties for preassessment activities. This puts the responsible party on notice and facilitates cost recovery from the responsible party. Initiate Funding is available from the OSLTF Emergency Fund when time is of the essence and consultation with the responsible party is not feasible or would be clearly futile; or when the responsible party declines, is not known, or is unable to provide the requested funding.
2. Trustee funding requests to responsible parties should be clear and fully documented for future reference; written requests to responsible parties are advisable. Even when immediate funding from the OSLTF is required to start Preassessment activities, Trustees should continue to pursue responsible party restoration funding as they coordinate and consult.
3. It is anticipated that most initial preassessment activities will occur concurrently with FOSC-directed removal activities or fairly soon after the removal has been completed. Since Initiate Funding is *emergency funding* from the OSLTF, the NPFC expects the Trustees to make prompt funding requests. In most circumstances this means no later than 30 days after the completion of the removal.
4. The NPFC recognizes that in some circumstances a significant amount of time may lapse before evidence of resource injury appears; in those cases, requests for Initiate Funding should be made as soon as practicable after the evidence of injury manifests itself and a Trustee decides to start preassessment activities.
5. The OSLTF Emergency Fund will also provide Initiate funding for mystery cases.

B. Funding Approval. The NPFC is committed to providing funding approval within 24 hours after receipt of a proper request. Approval for increases in funding may be given over the phone with documentation to follow the next business day.

C. Inter-Agency Agreement.

1. The NPFC NRD Claims Manager will work with the FLAT to complete the IAG.
2. The NRD Claims Manager shall establish the amount authorized and obligated for Initiation, and assign the appropriate document control number (DCN). The Federal Project Number (FPN) assigned shall be the same as applies to the removal action, unless no FPN has been issued, in which case, the NPFC will assign an FPN. The NRD Claims Manager will ensure that the Pre-Designated FOSC is notified that Initiation activities have begun.
3. The FLAT may contact the NRD Claims Manager at any time when questions arise.



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4. Once the IAG is executed by the NPFC, the amount is obligated against the OSLTF, and becomes a budgetary resource to the FLAT as described in OMB Circular A-34. The funding amount provided by the IAG is then available for obligation immediately by the FLAT. If the FLAT is distributing funds to other Trustees, then they are responsible for subsequent disbursements.

- D. Ceiling Management and Supplemental Requests For Funding. The FLAT manages the funds available for NRDA Initiation. The NPFC is committed to providing funds to the Trustees as quickly as possible. Conversely, the Trustees will exercise concomitant responsibility for effective ceiling management while the incident is ongoing.

Section 4. PURCHASE OF PERSONAL PROPERTY

- A. Purchase of Accountable Personal Property and Equipment. The purchase of personal property (e.g., items of equipment, computers, cameras) is not encouraged and should be done only when necessary for Initiation activities. The FLAT should, therefore, attempt to lease rather than purchase property and equipment (non-consumable items) unless the purchase can be clearly shown to be cost-beneficial to the OSLTF considering the costs necessary to purchase, maintain, and dispose of the property. When property must be purchased, the FLAT should first ask the responsible party to supply the equipment. All purchases of equipment or other personal property with the OSLTF must be done in accordance with the FLAT's or Trustee's standard agency procurement policy and authority, and shall be administered throughout its service in the initiate activity in accordance with the Federal Property Management Regulations. If the FLAT or a participating Trustee uses the OSLTF to buy equipment under the Initiation IAG, the Federal Government owns the property, and the FLAT is responsible for proper management, accounting, and disposition of the property. The FLAT must establish and maintain a system of control and accountability to ensure that the date of acquisition and costs of property/equipment funded by the OSLTF can be clearly documented.
- B. Disposal of Property. The property should not be transferred at any cost to another government agency, but rather should be turned in to the FLAT's or Trustee's appropriate agency property management or disposal center. In accordance with an agency's regulatory procedures, non-expendable property/equipment purchased with OSLTF monies should be deemed excess, and processed for disposal as soon as Initiate activities are completed. The steps for disposal are as follows: a) The SF-120 or an appropriate equivalent document should be used to report the excess items; b) Turn the property over to the nearest property management entity (Flat's agency, GSA, or local DOD DRMO); and c) Forward documentation to the NPFC to allow the maintenance of an audit trail on all such purchases, transfers, and disposals. Absence of disposal documentation may delay timely reimbursement.

Section 5. RECORDKEEPING

- A. Cost Documentation. In order to recover costs, expenses must be documented to provide responsible parties with an accounting of all Initiate costs that were incurred by the Trustees.



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- B. The Pollution Incident Daily Resource Reporting System. The FLAT and participating Trustees are encouraged to document costs using the NPFC Pollution Incident Daily Resource Reporting System, i.e., the 5136 Series of forms. These forms and accompanying Instructions on their use can be found in the “Resource Documentation and Cost Documentation Technical Operating Procedures”, available from the NPFC at <http://www.uscg.mil/hq/npfc/fosc.htm>. This system was originally designed as an easy to use process for FOSCs to document removal costs, but it may also be used by Trustees for Initiation activities. Note that because these forms are multi-purpose, they mention CERCLA, however, CERCLA incidents are not eligible for Initiation funding.
- C. Content of Documentation. The NPFC does not specify the format that documentation must take. The FLAT may use any system for documenting the Preassessment as long as it meets the requirements for content. It is important to note, however, that original documentation is preferred for cost recovery, and should not be retyped, even when hand written. Accordingly, the FLAT must establish sufficient controls and procedures to provide documentation as follows:
1. Work/purchase authorization. Show that the work or purchase was authorized by appropriate authority, e.g., contracts, travel orders, work orders, rental contracts, purchase orders.
 2. Work/purchase receipt and acceptance. Show that the goods or services were received and accepted as complying with the authorization, e.g., receiving reports, delivery tickets with receipt signatures, ad hoc reports, with the date of receipt and acceptance.
 3. Work billed. Provide the cost of the work or purchase and show that these costs were properly billed to the Trustee, e.g., contractor’s invoice, cash register receipts, travel reimbursement vouchers, employee timesheets or logs.
 - a. Work performed. Show the work performed (the service provided, the equipment used, the persons employed, etc.) and the quantitative factors involved in each item of work performed each day, i.e., the delivered work product.
 - b. Work unit. Identify costs according to the unit of work for each item. For contracts, that unit of work is established by the contract line item (CLIN). For time and material based contracts, the unit of work is normally hours, and the delivered work product is the number of hours per day.
 - c. Work cost. Show the cost of each unit of each item of work per day (or other time period set in the controlling agreement for that item) and the extended total cost, e.g., eight hours supervisor services per day at \$50 per hour times 7 days (specifically identified by date) equals \$2800 total cost.
 4. Work payment. Show the amount billed was paid or authorized for payment. The FLAT should certify the cost authorized for payment is sufficient for requesting reimbursement from the OSLTF, provided that any later adjustments or corrections to the amount paid are promptly reported to the NPFC.



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5. Trustee's internal costs. Documentation should include the following information for salary, equipment, and administrative costs for each day of Preassessment activity:
- a. Date;
 - b. Identification (employee name or ID, equipment description or ID, function performed);
 - c. Category, e.g., grade level, equipment type;
 - d. Number of hours charged for that day;
 - e. Rate (include basis for any standard rates);
 - f. Total cost (hours time rate); and
 - g. Cumulative total cost for all days.

Section 6. NPFC CONTACT INFORMATION

- A. For initiate preassessment requests, please contact the NRD Claims Division at (202) 493-6860 or at (800) 280-7118.
- B. For funding requests outside of business hours, call (800) 759-7243 PIN number 2073906.



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**ATTACHMENT IIA
INTERAGENCY AGREEMENT TO
INITIATE
NATURAL RESOURCE DAMAGE ASSESSMENT UNDER OPA
BETWEEN THE
NATIONAL POLLUTION FUNDS CENTER AND THE
FEDERAL LEAD ADMINISTRATIVE TRUSTEE**

(Revised July 20, 2001)

FPN _____ IAG _____

I. As the Federal Lead Administrative Trustee (FLAT), the Department of (Departmental Name (Acronym)) _____ requests the obligation of funds under this Inter-Agency Agreement (the "Agreement") between the National Pollution Funds Center (NPFC) and the FLAT to Initiate a Natural Resource Damage Assessment (NRDA) for the following oil spill incident (the "Incident"):

Name: _____

Date Occurred: _____

Location: _____

This Agreement should be submitted in writing on behalf of the affected Natural Resource Damage (NRD) Trustees to the NPFC NRD Claims Division. A NRD Claims Manager will be assigned to coordinate access to the Oil Spill Liability Trust Fund (OSLTF).

II. Potential Trustee Notifications:

Contacted

Participating

	<u>Yes / No</u>	<u>Yes / No</u>
Department of Agriculture (USDA)	____/____	____/____
Department of Defense (DOD)	____/____	____/____
Department of Energy (DOE)	____/____	____/____
Department of the Interior (DOI)	____/____	____/____
Department of Commerce (DOC)	____/____	____/____
State/Commonwealth/Territory of _____	____/____	____/____
State/Commonwealth/Territory of _____	____/____	____/____
State/Commonwealth/Territory of _____	____/____	____/____
Tribal Representative(s)	____/____	____/____
Tribal Representative(s)	____/____	____/____
Other	____/____	____/____
Other	____/____	____/____
Other	____/____	____/____

*Natural Resource Damage Funding Guidelines
May 7, 2002*



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III. Request for Funds:

Amount of this request	\$ _____
Previous amount	\$ _____
Total Amount requested	\$ _____

The amount requested may be generated by the FLAT's field representative, however, the request must be signed by a federal official with the authority to sign such funding agreements.

IV. Uses: These funds are to be used only for the preassessment phase activities in the initiation of a NRDA. This is the process by which trustees must determine whether there is jurisdiction to pursue restoration under OPA and, if so, whether it is appropriate to do so. Preassessment activities are outlined in 15 CFR 990, Subpart D, and include data collection, determination of jurisdiction, notice of intent to conduct restoration planning, administrative record, and determination to conduct restoration planning. Trustees not using the 15 CFR regulations may still want to use the preassessment activities listed there as guidance for appropriate initiation activities.

V. FLAT's Allocation Plan for Use of Funds: The plan for use of funds should include the participants, a list of activities to be performed, the resources required to perform each activity, and the estimated cost of those resources. It must include input from all participating Trustees. The NPFC will review the plan for consistency, reasonableness of cost for specific resources, and mathematical accuracy.

A. Participant's Use of Funds:

	Estimated Costs
DOI	_____
DOC	_____
USDA	_____
DOE	_____
DOD	_____
State/Commonwealth/Territory of	_____
State/Commonwealth/Territory of	_____
Tribal Representative(s)	_____
Tribal Representative(s)	_____
Other	_____
Other	_____
Other	_____
TOTAL (All of the Above Trustees)	_____



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B. Estimated Cost and Completion Dates For Activities:

	Estimated Cost	Date of Completion
1. Notifications/Coordination	_____	_____
2. Travel and Per Diem	_____	_____
3. Equipment and Supplies (if not covered elsewhere)	_____	_____
4. Administration/Management	_____	_____
5. Data collection, sampling, and analysis		
Task 1 – Insert title/brief description	_____	_____
Task 2 – Insert title/brief description	_____	_____
Task 3 – Insert title/brief description	_____	_____
Task 4 – Insert title/brief description	_____	_____
6. Report Preparation (including notice documents)	_____	_____
Total Requested Amount	_____	

Activity summaries, budget breakdowns, and computations or other basis of each of these estimates (including personnel [(# persons)x(\$/day)], equipment [(# days)x(\$/day)] and contractor estimates) should be attached to this IAG.

VI. Documentation and Reimbursement: As previously explained in Chapter II, “Initiate Funding Terms and Conditions”, Section 5C, the FLAT coordinates all Initiate activities and subsequently provides documentation to the NPFC of all expenditures, costs, and activities conducted under this Agreement for which the FLAT will be reimbursed. This documentation shall itemize costs incurred to Initiate the NRDA, including: daily expenditures by individual, giving name, title or position, activity performed, time on task, salary or hourly rate, travel cost, per diem, out of pocket or extraordinary expenses; equipment purchased or rented, with the daily or hourly rate; and materials and consulting fees. All documentation will be compiled on a daily, weekly, bi-weekly or at a minimum a monthly basis. Costs may be based on standard rates, including an overhead and/or indirect cost charge. If Trustee(s) choose this approach, they must also provide the justification or rationale for the rates so that they can be defended in cost recovery. OMB Circular A-87 principles and standards will apply, as appropriate for State Trustees and Tribal Trustees.

Documentation shall include details of payments they have received from the responsible party, guarantor, a third party source, or a Congressional appropriation. The FLAT will review all of the cost documentation and certify that the costs submitted by each of the participating Trustees were reasonable and consistent with 15 CFR 990 Subpart D, and further that the amounts requested have not been and will not be sought from any other source.

The FLAT submits an SF-1080 (or SF-1081 or equivalent voucher) along with cost documentation to the NPFC to obtain direct reimbursement. When the FLAT wants the NPFC to reimburse the participating



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Trustees directly, the FLAT should submit separate vouchers for each Trustee. The FLAT must identify in its final request for reimbursement the remaining unexpended balance to be deobligated under this IAG.

Within 120 days of the completion of Preassessment activities, the FLAT will provide a written invoice to the NPFC using form SF-1080, Voucher for Transfer Between Appropriations, or SF-1081, or an equivalent form, accompanied by the documentation as described. Transfer instructions will be provided on the SF-1080.

The FLAT should also provide a copy of the Preassessment documentation, as soon as it is available. If Preassessment activities are not finished upon clean-up or completion, the NPFC requires Interim Reports and related cost documentation submissions every 90 days after clean-up is complete.

If the NPFC does not receive the Final Report within 120 days after the completion of Initiation activities, the NPFC will advise the FLAT in writing that funding may be deobligated. In the event of extenuating circumstances, extensions will be granted upon written request.

The Final Report should involve a narrative summary explaining what was done and why. This report will help to support cost recovery efforts.

VII. Cost Recovery: The Fund obtains the rights to recover these costs once paid. The amount reimbursed to Trustees will be billed to the responsible parties. The FLAT shall ensure that all Trustees involved in this Incident agree to assign cost recovery actions arising from this Incident to the OSLTF, to the extent they represent costs reimbursed pursuant to this Agreement. In addition, the FLAT agrees to support cost recovery efforts and to cooperate fully with the NPFC in any claim or action by the OSLTF against the responsible party, guarantor, or other persons to recover costs from this Incident. The FLAT shall notify the NPFC of any negotiation(s) to execute an agreement between any Trustee and responsible party/guarantor.

VIII. Supplemental Requests: Nothing in this Authorization prohibits the FLAT from requesting supplemental funds for the same Incident. Whenever it appears that actual costs may exceed the initially requested amount, the FLAT should promptly request supplemental funding in the same manner as the original request. Until such supplemental funds are obligated by an amendment to the IAG, the FLAT must take appropriate action to prevent exceeding the previously obligated amount. The NPFC will not reimburse the FLAT for costs in excess of the signed Agreement and supplemental.

IX. Deobligation: This Agreement will be closed 120 calendar days from the date of completion of the Preassessment Activities. As previously stated in Section VI of this Agreement, if cost documentation is not forthcoming within that time, the NPFC will advise the FLAT in writing that funding may be deobligated. If required, extensions will be granted upon written request.



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X. Agreement Certification And Assignment of Contact Person: I certify that (Department Name, Acronym)_____ is the FLAT, and that I am authorized to sign this document on behalf of the Trustees. I further certify that all actions to be funded are for Initiate activities, as described in 15 CFR 990, Subpart D.

(Name of FLAT)
(Position of FLAT within the Trustee Agency)

For the Department Name (Acronym)

(Date)

FLAT Contact Person: _____
Address: _____

Phone: _____
Fax: _____



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XI. Authorization and Authority:

In accordance with Oil Pollution Act of 1990 (33 USC 2752(b)), the NPFC authorizes the obligation of funds to the (Department Name, Acronym) _____ to Initiate an NRDA for the Incident and activities described in the request dated _____ (to agree with date in Paragraph X). Total amount of funds available under this Agreement shall not exceed \$_____. The Federal Project Number _____ and the Inter-Agency Agreement Number _____ must be referenced on cost documentation and all requests for reimbursement from the OSLTF.

(Signature of NPFC NRD Claims Manager)

Date

NPFC Contact Person: _____

Address: _____

Telephone: (202) 493-_____

Fax: (202) 493-6939

Enclosures: